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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/580,620

05/24/2006

Sint Baron

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PHILIPS ELECTRONICS NORTH AMERICA CORPORATION  
INTELLECTUAL PROPERTY & STANDARDS  
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SAN JOSE, CA 95131

EXAMINER

MCDONALD, SHANTESE L

ART UNIT

PAPER NUMBER

3723

MAIL DATE

DELIVERY MODE

01/02/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/580,620	<b>Applicant(s)</b> BARON ET AL.	
	<b>Examiner</b> Shantese L. McDonald	<b>Art Unit</b> 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1,2 and 6-15 is/are rejected.
- 7) ☐ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear as to what is meant by "ITom", in line 4.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,8-10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Taniguchi et al.

Taniguchi et al. teaches a shaving apparatus comprising at least one shaving head including a shaving surface, 62, for contacting the skin during shaving and at least one cutter, 61, that is movable behind the shaving surface, a drive structure including a motor, 40, and coupled to the at least one cutter for driving movement of the cutter, (col. 6, lines 29-32), electric power supply means connected to the motor, a housing, 12, containing the motor and at least part of the electric power supply means, a shell

structure, 20, detachable from the housing, enveloping at least a portion of the housing behind the at least one shaving head when mounted to the housing, (col. 6, lines 33-54), a shaving head holder, 14, and an end of the housing, 18. Taniguchi et al. also teaches that the housing includes at least a first operating member and wherein the shell structure includes at least a second operating member operatively connected with the first operating member wherein the first and second members are mechanically and electrically connected, (col. 8, lines 59-64).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2,6,7,11 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taniguchi et al. in view of Muraguchi et al.

Taniguchi et al. teaches all the limitations of the claims except for a power plug socket at the end of the housing, the shell portion being of a more impact resistant and a softer material than the housing, and comprising an optical signaling member and the shell structure including a window through which optical signaling is visible and in the instance where there is an assortment of shaving apparatuses, the covers having mutually different shapes and being mountable to the housing as an alternative for the other. Maraguchi teaches a power plug, 145, and an optical signaling member, (col. 4,

lines 49-53, fig. 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the shaver of Taniguchi with a power plug, in order to enhance the batter power, and an optical signaling member, in order to visualize the remaining battery power. It would have been further obvious to provide the shaver of Taniguchi with the shell portion being of a more impact resistant and a softer material than the housing, as an obvious matter of design choice. It would have been further obvious to provide make the covers of different shapes, with the capability to be interchangeable with another shaving apparatus having the same structure, as a matter of obvious design choice. It is obvious to provide an assortment of tools with the same basic structure and to have different shaped covers, or attachments such as kits with interchangeable heads, or plates or covers.

***Allowable Subject Matter***

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 4 and 5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

The Examiner notes that even though the same references have been cited in the present rejection, the rejection is a new ground of rejection. The Applicant argues that the shell structure, 14, does not envelope at least a portion of the housing behind the at least one shaving head. The Examiner notes that the citation of the shell structure being, 14, was incorrect. The present rejection is based upon the teaching of Taniguchi teaching a housing, 12, and the housing being the part that encapsulates the motor. The housing includes the part that houses the button structure, 17, 25, as seen in figure 4B. Taniguchi teaches a shell structure, 20, that envelops at least a portion of the housing behind the at least one shaving head.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shantese L. McDonald whose telephone number is (571) 272-4486. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3723

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S.L.M.  
December 26, 2007

/Joseph J. Hail, III/

Supervisory Patent Examiner, Art Unit 3723